



WISCONSIN REGULATORY DIGEST

A Publication of the DEPARTMENT OF REGULATION AND LICENSING FOR PRIVATE SECURITY PERSONS

Volume 3, No. 1

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Statistics

The number of permit holders and licensees, as of April 18, 2000, is:

Private Security Persons	9,932
Private Detective Agencies	650

There is no separate license for private security companies. They must be licensed as private detective agencies. However, the Department and its advisory committees have been discussing the possibility of preparing legislation that would require separate licenses.

Complaints Against Private Security Persons

Complaint Statistics

Complaints Received in 1999 – 66
Complaints Closed After Screening – 9
Complaints Closed After Investigation – 41
Complaints Closed With Discipline - 15
Note: The number of complaints closed includes complaints received prior to 1999.

PRIVATE SECURITY ADVISORY COMMITTEE

Members of the Committee:

Jerry Antoon (Appleton)
Darlyne Barlow (Madison)
Dennis Brewer (East Troy)
Edward Byrne (Green Bay)
Byron Bishop (Madison)
Dejustice Coleman (Milwaukee)
Mark Harder (Milwaukee)
Mark Kirch, (Milwaukee)
Hugh Martin (Oconomowoc Chief of Police)
James H. Martin (Beloit)
Oscar Mireles (Madison)
Mark Riesinger (Milwaukee)
Shawn Smith (Madison)

Administrative Staff:

Cletus J. Hansen

Executive Staff:

Marlene A. Cummings, Secretary
William Conway, Deputy Secretary
Myra Shelton, Executive Assistant

Reminders to Private Security Personnel

1. You may not practice as a private security person until you have a permit. The Department advises employers to always insist on seeing the actual private security permit of a potential employee before putting the person to work.
2. You or your employer must notify the Department when you leave the employment of a private security company and either transfer to the employment of another private security company or cease working as a private security person.
3. You may only carry a firearm while on duty, if you receive a firearms permit from the Department.
4. You may not carry a concealed weapon, unless you are a peace officer.
5. Ushers who do not have a private security permit may not have "security" on their uniform.
6. You must wear a uniform while on duty, except that a licensed private detective may provide private security in plain clothes.

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7. When on duty, you must wear an ID or name tag that's clearly visible to the public.

Renewal of Private Security Permits

All persons who hold a valid private security permit will receive a renewal application in the middle of July. If you wish to renew your permit and be able to legally practice after August 31, 2000, you must file the application and the \$54 (\$49 for the permit and \$5 for a criminal records check) application fee by that date. If you file late, you will have to pay an additional \$25 late filing fee.

Private Security Advisory Committee

The Private Security Advisory Committee has had two meetings since the last issue of the Regulatory Digest was prepared.

Secretary Marlene Cummings has appointed three new committee members: Byron Bishop, Dejustice Coleman, and Oconomowoc Chief of Police Hugh Martin.

The following paragraphs were taken from the Committee minutes:

Mike Moschkau, Director of the Crime Information Bureau in the Wisconsin Department of Justice, gave a one-hour presentation to the committee and answered questions posed by the members. He accessed the new CIB Web site at which criminal records checks may be performed and explained the procedures and the screens relating to records searches on the Web.

The Committee discussed several aspects of the current conditional permits being granted to private security persons and the fact that the Department would be able to grant permits more quickly if it had access to NCIC criminal records checks.

MOTION: Mark Kirch moved, seconded by Shawn Smith, to include a provision in the rules that will require private security persons to carry their private security permit and a firearms permit with them when they are on duty. Motion carried unanimously.

The Committee discussed whether the rules should clarify whether peace officers, who work for private security companies, should be required to obtain a firearms permit from the Department. The primary issue discussed was the liability issue. Whose liability policy will cover the officer? A consensus on this issue was not reached and no motion was offered.

The Committee reviewed the recommendations of the Private Detective Advisory Committee, especially those pertaining to concealed carry by licensed private detectives. The Committee informally expressed agreement with these recommendations and requested that more information be provided as this matter progresses.

The next meeting was scheduled for June 6, 2000, at 9:30 a.m.

Credential Holder Query

Marlene Cummings, Secretary of the Wisconsin Department of Regulation and Licensing (DORL), announced several weeks ago an expansion of credential verification services offered through the DORL web site.

Secretary Cummings said the department has added a feature at the department's web site (<http://www.drl.state.wi.us>) which will allow employers and members of the public to verify the status of professional credentials held by nearly 280,000 individuals.

Once the department's web site is accessed, users may click on "Credential Holder Query" and they will gain access to the department's credential data base where they can verify whether an individual holds a current license in any of the professions regulated by the department.

Giving employers and consumers the ability to directly access this information on the Internet makes it easier for the public to verify whether a person is entitled to practice a profession in Wisconsin," Cummings said. "It will also be an effective deterrent to efforts by any individuals to successfully misrepresent their credential status since anyone with a computer and internet access can quickly verify whether the credential

is actually held by that individual,” Cummings added.

Conditional Private Security Permits

The Department is now issuing conditional private security permits to new applicants. This move to conditional permits was necessitated by the fact that many applicants were not providing true and correct statements on their applications about criminal convictions. When the Department subsequently received an FBI criminal records report, showing the convictions of one or more felonies or serious misdemeanors, the Department had to use considerable legal resources to revoke the permits. The new conditional permit process eliminates the need for the Department to use those resources, because the applicant signs a conditional order that permits revocation of the conditional permit without a hearing.

The new conditional permit can be easily identified by the words “CONDITIONAL PERMIT” written on the face of the permit in large letters. During the time that a person holds a conditional permit, he or she may not obtain a firearms permit from the Department.

Since implementing these new procedures, the Department has received 13 FBI reports that will result in revocation of conditional permits held by private security persons. The applicants either had extremely poor memory about their convictions or made untruthful statements in their application form.

Administrative Rules Worth Reviewing

Section RL 35.01 of the Administrative Code is entitled, “Unprofessional Conduct.” It contains several provisions that directly relate to private security personnel. Please note the following:

(3) Operating under a name that is different than a name that the credential holder has provided to the department on an application for a credential or in other written form pursuant to s. RL 31.06.

(4) Wearing, using or displaying a badge, shield or star in the course of acting as a private detective.

(5) Pretending to be a law enforcement agency or peace officer including but not limited to:

(a) Operating a motor vehicle with flashing red or blue lights contrary to s. 347.25, Stats.

(b) Using the term “police department” in connection with advertising, badge, emblem, stationery, or vehicle.

(c) Intentionally wearing uniforms to closely resemble in style, color, accessories or insignia the uniforms of a police agency in whose jurisdiction the licensee conducts business.

(6) Using false, misleading or deceptive advertising.

(7) Advising any person to engage in an illegal act or course of conduct.

(8) Violating state or federal law rules or regulations related to the care, handling or use of firearms or other dangerous weapons.

Disciplinary Actions

**ROBERT E HERNANDEZ
WAUKESHA WI**

REPRIMAND/COSTS

In his application indicated “no” in response to a question relating to convictions and pending criminal charges. A report received from the FBI revealed that he had a history of criminal convictions in the state of California. Effective 12/13/99. Sec. 440.26(6), Stats. Case #LS9912131RSG

**CECILIA J ZIOLKOWSKI
MILWAUKEE WI**

SURRENDERED

Convicted of unlawful use of telephone and disorderly conduct. The circumstances surrounding the conviction involved phoning in a bomb threat to Aldrich Chemical Company in Milwaukee while she was employed as a security guard at Initial Security. Effective 12/8/99. Sec. 440.26(6)(a)1.,2.,4., Stats. Case #LS9912081RSG

**WILLIAM H HOLYFIELD
MILWAUKEE WI**

REPRIMAND/COSTS

In his application indicated “no” in response to a question asking if he had ever been convicted of a misdemeanor or a felony, or driving while intoxicated, or if criminal charges are currently pending. Convicted of Misdemeanor Theft in 1980/1981. Effective 11/12/99. Sec. 440.26(6), Stats. Case #LS9911121RSG

**CURTIS JONES
MILWAUKEE WI**

REPRIMAND/COSTS

In his application indicated that he had not been convicted, when he had been convicted of retail theft in March, 1995. Effective 4/4/2000. Case #LS0004041RSG

**LARRY J DURHAM
KANSAS CITY MO**

SURRENDERED

Subsequent to the issuance of a security guard permit, the department received a report from the FBI which revealed that he had a history of criminal convictions, including felony convictions in at least 1963 and 1964. He provided false information in his application for the permit. Effective 1/24/2000. Sec. 440.26(6), Stats. Case #LS0001241RSG

**JOSEPH WALTON
MILWAUKEE WI**

**ORIGINAL APPLICATION DENIED
FELONY CONVICTION**

On his application indicated “no” in response to a question relating to convictions, DWIs, or criminal charges or DWI charges currently pending. Records of the Crime Information Bureau in the Department of Justice indicated a felony conviction and other crimes. Application denied based on the felony conviction. Effective 2/10/2000. Sec. 440.26(5m)2. Case #LS0002101RSG

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REGULATORY DIGEST

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Telephone Directory

The Division of Business Licensure & Regulation has a menu telephone system which is designed to more efficiently direct the caller to the appropriate section. The telephone number for staff is:

(608) 266-5511

After dialing this number you are asked to press various extensions. For the following requests, please press numbers as noted:

Application Forms	Press 11
Complaints Against Licensees	Press 12
Whether A Person is Licensed	Press 442
Application Processing & Requirements	Press 43
Changes of Employment	Press 43

Visit the Department's Web Site

<http://badger.state.wi.us/agencies/drl/>
Send comments to dorl@drl.state.wi.us

Copies of Regulatory Digest on the Web

See the Web site listed above for past issues of the Regulatory Digest.

Wisconsin Statutes and Code

Copies of the Wisconsin Statutes and Administrative Rules Relating to the Practice of Private Detectives and Private Security Personnel can be ordered from the Department. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated April, 1998.

Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes is not automatically provided.

WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.

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